

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

GLENN GATES and DONNA GATES, h/w, CLASS ACTION

Plaintiff, NO. 06-1743

v.

ROHM AND HAAS COMPANY, et al.,

Defendants.

**AFFIDAVIT OF CRISTINA D. HERNANDEZ-MALABY, ESQUIRE
IN SUPPORT OF DEFENDANT MODINE MANUFACTURING COMPANY'S
OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

STATE OF WISCONSIN)
) ss
MILWAUKEE COUNTY)

I, CRISTINA D. HERNANDEZ-MALABY, being first duly sworn, declare as follows:

1. I am a partner with the firm of Quarles & Brady LLP, one of counsel for Modine Manufacturing Company ("Modine") in the above-captioned matter. I am a member in good standing of the bar of the State of Wisconsin, the Commonwealth of Massachusetts, the United States District Court for the Eastern and Western Districts of Wisconsin, and other federal courts. I submit this affidavit in further support of Defendant Modine Manufacturing Company's Opposition to Plaintiffs' Motion for Class Certification, filed herewith on this date.

2. Attached as exhibits hereto are true and correct copies of the following documents:

Exhibit A: Report of John Whysner, MD, PhD, DABT (January 25, 2007)

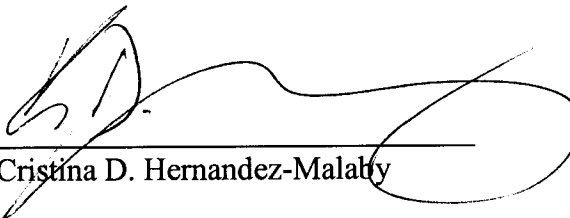
Exhibit B: Excerpts from Deposition of J. Gregory Hill (November 27, 2006)

Exhibit C: Excerpts from Deposition of Gary Ginsberg (January 4, 2007)

- Exhibit D: Excerpts from Deposition of Richard Neugebauer (November 21, 2006)
- Exhibit E: Information from www.modine.com regarding history of Modine
- Exhibit F: Information from www.modine.com regarding Modine's Ringwood, Illinois facility.
- Exhibit G: Supplemental Report of John Whysner, MD, PhD, DABT (February 9, 2007)
- Exhibit H: Letter from J. Gregory Hill to Aaron Freiwald (February 2, 2007)
- Exhibit I: Supplemental Report of Frank A. Rovers, P. Eng (February 7, 2007)
- Exhibit J: McCullom Lake Residential Water Supply Evaluation of Craig S. Rawlinson (January 26, 2007)
- Exhibit K: Expert Report, Hydrogeologic Conditions, Ringwood and McCullom Lake of Frank A. Rovers, P. Eng. (January 2007)
- Exhibit L: Deposition of Glenn Gates (December 18, 2006)
- Exhibit M: Deposition of Jeanne Hansen (December 19, 2006)
- Exhibit N: Deposition of Edwin Begley, Jr. (February 5, 2007)
- Exhibit O: Deposition of Donna Gates (December 18, 2006)
- Exhibit P: Deposition of Joseph Zakrocky (February 5, 2007)
- Exhibit Q: Response to Report Entitled "Brain Cancer Cluster, McCullom Lake Village and Surrounding Area, McHenry County, Illinois" of Patricia A. Buffler, M.P.H., PhD (January 26, 2007)
- Exhibit R: Hiroko Ohgaki, et al, *Epidemiology and etiology of gliomas*, ACTA NEUROPATHOL (2005) 109:90-108.


I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 12, 2007



Cristina D. Hernandez-Malaby

Subscribed and sworn to before me
this 12th day of February, 2007



Notary Public, State of Wisconsin
My commission: *is permanent*